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Security Council

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Resolution 1636 (2005)

Adopted by the Security Council at its 5297th meeting, on 31 October 2005

The Security Council,

Reaffirming all its previous relevant resolutions, in particular resolutions 1595 (2005) of 7 April 2005, 1373 (2001) of 28 September 2001, and 1566 (2004) of 8 October 2004,

Reiterating its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon,

Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security,

Having examined carefully the report of the international independent investigation Commission (S/2005/662) ("the Commission") concerning its investigation into the 14 February 2005 terrorist bombing in Beirut, Lebanon, that killed former Lebanese Prime Minister Rafiq Hariri and 22 others, and caused injury to dozens of people,

Commending the Commission for the outstanding professional work it has accomplished under difficult circumstances in assisting the Lebanese authorities in their investigation of all aspects of this terrorist act, and taking note of the Commission's conclusion that the investigation is not yet complete,

Commending States which have provided assistance to the Commission in the discharge of its duties,

Commending also the Lebanese authorities for the full cooperation they have provided to the Commission in the discharge of its duties, in accordance with paragraph 3 of resolution 1595 (2005),

Recalling that pursuant to its relevant resolutions, all States are required to afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to terrorist acts, and recalling in particular that it had requested in its resolution 1595 (2005) all States and all parties to cooperate fully with the Commission,

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Taking note of the Commission's findings that although the inquiry has already made considerable progress and achieved significant results, it is of the utmost importance to continue the trail both within and outside Lebanon in order to elucidate fully all aspects of this terrorist act, and in particular to identify and hold accountable all those who bear responsibility in its planning, sponsoring, organization and perpetration,

Mindful of the demand of the Lebanese people that all those responsible for the terrorist bombing that killed former Lebanese Prime Minister Rafiq Hariri and others be identified and held accountable,

Acknowledging in this connection the letter of the Prime Minister of Lebanon to the Secretary-General of 13 October 2005 (S/2005/651) requesting that the mandate of the Commission be extended to enable the Commission to continue to assist the competent Lebanese authorities in any further investigation of the various dimensions of the terrorist crime,

Acknowledging also the concurrent recommendation of the Commission that continued international assistance is needed to help the Lebanese authorities get right to the bottom of this terrorist act, and that a sustained effort on the part of the international community to establish an assistance and cooperation platform together with the Lebanese authorities in the field of security and justice is essential,

Willing to continue to assist Lebanon in the search for the truth and in holding those responsible for this terrorist act accountable for their crime,

Calling upon all States to extend to the Lebanese authorities and to the Commission the assistance they may need and request in connection with the inquiry, and in particular to provide them with all relevant information they may possess pertaining to this terrorist attack,

Reaffirming its profound commitment to the national unity and stability of Lebanon, emphasizing that the future of Lebanon should be decided through peaceful means by the Lebanese themselves, free of intimidation and foreign interference, and warning in this regard that attempts to undermine the stability of Lebanon will not be tolerated,

Taking note of the Commission's conclusions that, given the infiltration of Lebanese institutions and society by the Syrian and Lebanese intelligence services working in tandem, it would be difficult to envisage a scenario whereby such a complex assassination plot could have been carried out without their knowledge, and that there is probable cause to believe that the decision to assassinate former Prime Minister Rafiq Hariri could not have been taken without the approval of top-ranked Syrian security officials,

Mindful of the Commission's conclusion that while the Syrian authorities, after initial hesitation, have cooperated to a limited degree with the Commission, several Syrian officials have tried to mislead the investigation by giving false or inaccurate statements,

Convinced that it is unacceptable in principle that anyone anywhere should escape accountability for an act of terrorism for any reason, including because of his own obstruction of the investigation or failure to cooperate in good faith,

Determining that this terrorist act and its implications constitute a threat to international peace and security,

Emphasizing the importance of peace and stability in the region, and the need for peaceful solutions,

Acting under Chapter VII of the Charter of the United Nations,

== I ==

1. *Welcomes* the report of the Commission;

2. *Takes note with extreme concern* of the Commission's conclusion that, there is converging evidence pointing at the involvement of both Lebanese and Syrian officials in this terrorist act, and that it is difficult to envisage a scenario whereby such complex assassination could have been carried out without their knowledge;

3. *Decides* as a step to assist in the investigation of this crime and without prejudice to the ultimate judicial determination of the guilt or innocence of any individual:

(a) that all individuals designated by the Commission or the Government of Lebanon as suspected of involvement in the planning, sponsoring, organizing or perpetrating of this terrorist act, upon notification of such designation to and agreement of the Committee established in subparagraph (b) below, shall be subject to the following measures:

- All States shall take the measures necessary to prevent entry into or transit through their territories of such individuals, provided that nothing in this paragraph shall obligate a state to refuse entry into its territory to its own nationals, or, if such individuals are found within their territory, shall ensure in accordance with applicable law that they are available for interview by the Commission if it so requests;

- All States shall: freeze all funds, financial assets and economic resources that are on their territories that are owned or controlled, directly or indirectly, by such individuals, or that are held by entities owned or controlled, directly or indirectly, by such individuals or by persons acting on their behalf or at their direction; ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such individuals or entities; and cooperate fully in accordance with applicable law with any international investigations related to the assets or financial transactions of such individuals, entities or persons acting on their behalf, including through sharing of financial information;

(b) to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council to undertake the tasks described in the annex to this resolution;

(c) that the Committee and any measures still in force under subparagraph (a) will terminate when the Committee reports to the Security Council that all investigative and judicial proceedings relating to this terrorist attack have been completed, unless otherwise decided by the Security Council;

4. *Determines* that the involvement of any State in this terrorist act would constitute a serious violation by that State of its obligations to work to prevent and refrain from supporting terrorism, in accordance in particular with resolutions 1373 (2001) and 1566 (2004) and that it would amount also to a serious violation of its obligation to respect the sovereignty and political independence of Lebanon;

5. *Takes note with extreme concern* also of the Commission's conclusion that, while the Syrian authorities have cooperated in form but not in substance with the Commission, several Syrian officials tried to mislead the Commission by giving false or inaccurate information, and determines that Syria's continued lack of cooperation to the inquiry would constitute a serious violation of its obligations under relevant resolutions, including 1373 (2001), 1566 (2004) and 1595 (2005);

6. *Takes note* of the recent statement by Syria regarding its intention now to cooperate with the Commission and expects the Syrian Government to implement in full the commitments it is now making;

== II ==

7. *Acknowledges* that continued assistance from the Commission to Lebanon, as requested by its Government in its letter to the Secretary-General of 13 October 2005 and recommended by the Commission in its report, remains necessary to elucidate fully all aspects of this heinous crime, thus enabling that all those involved in the planning, sponsoring, organizing and perpetrating of this terrorist act, as well as their accomplices, be identified and brought to justice;

8. *Welcomes* in this regard the decision of the Secretary-General to extend the mandate of the Commission until 15 December 2005, as authorized by the Security Council in its resolution 1595 (2005), and decides that it will extend the mandate further if recommended by the Commission and requested by the Lebanese Government;

9. *Commends* the Lebanese authorities for the courageous decisions they have already taken in relation to the inquiry, including upon recommendation of the Commission, in particular the arrest and indictment of former Lebanese security officials suspected of involvement in this terrorist act, and encourages the Lebanese authorities to persist in their efforts with the same determination in order to get right to the bottom of this crime;

== III ==

10. *Endorses* the Commission's conclusion that it is incumbent upon the Syrian authorities to clarify a considerable part of the questions which remain unresolved;

11. *Decides* in this context that:

(a) Syria must detain those Syrian officials or individuals whom the Commission considers as suspected of involvement in the planning, sponsoring, organizing or perpetrating of this terrorist act, and make them fully available to the Commission;

(b) the Commission shall have vis-à-vis Syria the same rights and authorities as mentioned in paragraph 3 of resolution 1595 (2005), and Syria must cooperate with the Commission fully and unconditionally on that basis;

(c) the Commission shall have the authority to determine the location and modalities for interview of Syrian officials and individuals it deems relevant to the inquiry;

12. *Insists* that Syria not interfere in Lebanese domestic affairs, either directly or indirectly, refrain from any attempt aimed at destabilizing Lebanon, and respect scrupulously the sovereignty, territorial integrity, unity and political independence of this country;

== IV ==

13. *Requests* the Commission to report to the Council on the progress of the inquiry by 15 December 2005, including on the cooperation received by the Commission from the Syrian authorities, or anytime before that date if the Commission deems that such cooperation does not meet the requirements of this resolution, so that the Council, if necessary, could consider further action;

14. *Expresses* its readiness to consider any additional request for assistance from the Lebanese Government to ensure that all those responsible for this crime are held accountable;

15. *Decides* to remain seized of the matter.

Annex

The following are the functions of the Committee established pursuant to paragraph 3 of this resolution:

1. To register as subject to the measures in paragraph 3 (a) in this resolution an individual designated by the Commission or the Government of Lebanon, provided that within two working days of receipt of such designation no member of the Committee objects, in which case the Committee shall meet within fifteen days to determine the applicability of the measures in paragraph 3 (a).

2. To approve exceptions to the measures established in paragraph 3 (a) on a case-by-case basis:

(i) with respect to the travel restrictions, where the Committee determines that such travel is justified on the ground of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would otherwise further the objectives of this resolution;

(ii) with respect to the freezing of funds and other economic resources, where the Committee determines that such exceptions are necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources;

3. To register the removal of an individual from the scope of the measures in paragraph 3 (a) upon notification from the Commission or the Government of Lebanon that the individual is no longer suspected of involvement in this terrorist act, provided that within two working days of receipt of such designation no member of the Committee objects, in which case the Committee shall meet within fifteen days to determine the removal of an individual from the scope of the measures in paragraph 3 (a).

4. To inform all Member States as to which individuals are subject to the measures in paragraph 3 (a).